



12179-P081US

PATENT

- 1 -

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:  
Eller et al.

Before the Examiner:  
Kevin Nguyen

Serial No.: 09/553,012

Group Art Unit: 2674

Filed: April 20, 2000

Title: SYSTEM AND METHOD FOR  
SELLING ADVERTISING SPACE ON  
ELECTRONIC BILLBOARDS OVER THE  
INTERNET

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REPLY BRIEF TRANSMITTAL LETTER

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 50784  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith are three (3) copies of a Reply Brief and an  
Acknowledgment Postcard.

CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence (along with any item referred to as being enclosed herewith) is being  
deposited with the United States Postal Service with sufficient postage as first class mail in an envelope  
addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
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Signature

Toni Stanley

(Printed name of person certifying)

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- ☒ No fee is due, however, the Assistant Commissioner is hereby authorized to charge any insufficiency in fees associated with this communication, or credit any overpayment, to Deposit Account No. 23-2426 (12179-P081US). **A duplicate copy of this transmittal letter is attached.**

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

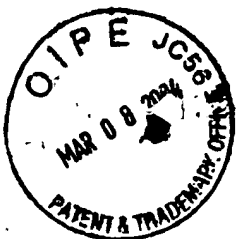
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For: SYSTEM AND METHOD FOR SELLING ADVERTISING  
SPACE ON ELECTRONIC BILLBOARDS OVER THE  
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**REPLY BRIEF**

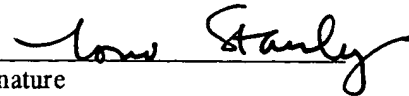
In response to the Examiner's Answer (Paper No. 23), having a mailing date of February 9, 2004, Applicants respond as follows:

The Examiner continues to cite MPEP § 608.01 asserting that the hyperlinks within the Specification must be removed. Applicants continue to traverse. The

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Signature

Toni Stanley  
(Printed name of person certifying)

reason for the concern of hyperlinks is that when the patent document is placed on the USPTO web page, and the patent document is then retrieved and viewed via a web browser, the URL may be interpreted as a valid HTML code and becomes a live web link. MPEP § 608.01. When a user clicks on the link with a mouse, the user will be transferred to another web page identified by the URL, if it exists, which could be a commercial web site. *Id.* USPTO policy does not permit the USPTO to link to any commercial sites, since the USPTO exercises no control over the organization, views or accuracy of the information contained on these outside sites. *Id.* Thus, as the Examiner should be made aware, there is no complete and absolute prohibition of hyperlinks, but there is a concern by the USPTO that hyperlinks embedded within a patent document will link a viewer to such a commercial site. The Examiner is respectfully requested to note that the URLs in this application which the Examiner is attempting to prohibit are not actual web sites, but are fictitious URLs used for describing the invention. Thus, the USPTO needs to disable these hyperlinks when preparing the text to be loaded onto the USPTO web database. *Id.* These hyperlinks are part of the description of the present invention, and need to be included.

Regarding the motivation to combine *Adler* and *Royal*, Applicants continue to assert that the Examiner has not proven a *prima facie* case of obviousness, since the Examiner relies upon his own subjective opinion for combining the references. In the Examiner's Answer, the Examiner cites column 3, lines 55-57 of *Adler* for additional motivation. This sentence states:

Exemplary remote computers 105 and ISP 110 may include personal, laptop, mini , main frame and super computers, as well as public or private networks of computers, such as local-area, metropolitan-area or wide-area networks, as examples.

Applicants do not understand how this sentence can in any way provide the objective evidence to support the Examiner's assertion of motivation to combine.

With respect to claims 17 and 55, the Examiner continues to ignore the claim language. The claims recite that an electronic billboard is selected from a list of available electronic billboards, wherein the list includes a map of the first and second locations. The Examiner has not specifically addressed this claim language. The map in FIG. 7 does not equate to the map recited in the claims.

With respect to claim 27, Applicants traverse the Examiner's use of inherency in rejecting this claim, thus requiring the Examiner to support such with objective evidence.

Applicants respectfully assert that all of the claims in the Application remain in condition for allowance despite the Examiner's additional arguments.

Respectfully submitted,

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